

**29a**

Walters - Brewer

1 A He was a catcher in my crew.  
2 Q All right. He is also requesting a day  
3 off?  
4 A Yes.  
5 Q And is that your signature?  
6 A Yes.  
7 Q And the box isn't checked, did you  
8 approve that?  
9 A Yes.  
10 Q Okay. Mr. Antonio Walters, is this  
11 your son we talked about earlier?  
12 A Yes.  
13 Q And he is requesting money only for a  
14 calendar day?  
15 A Yes.  
16 Q Is that your signature?  
17 A No.  
18 Q Okay. Did you approve that he could  
19 get money only?  
20 A No.  
21 Q Mr. Steven --  
22 A Abney.  
23 Q -- Abney, okay; do you know Mr. Abney?  
24 A Yes.  
25 Q How do you know him?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford Delaware 19963

A00741

Walters - Brewer

1 A He was a catcher in my crew.  
2 Q And he's requesting a day off, but he  
3 wants just the money?  
4 A Yes.  
5 Q Is that your signature?  
6 A Yes.  
7 Q And did you approve or disapprove of  
8 this?  
9 A Approve.  
10 Q Mr. Abney again, requesting some  
11 vacation but he only wants money?  
12 A Yes.  
13 Q And is that your signature?  
14 A Yes.  
15 Q And did you approve this or disapprove  
16 it?  
17 A Approved.  
18 Q Mr. Abney again, requesting -- well,  
19 whatever it is, he's just asking money, he's got  
20 personal days and floating days and things like that  
21 down there, is that your signature?  
22 A Yes.  
23 Q Did you approve this or disapprove it?  
24 A I approved it.  
25 Q Okay. Keith Lofland, it appears?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford

Walters - Brewer

1 A Uh-huh.  
2 Q Do you know Mr. Lofland?  
3 A Yes.  
4 Q How do you know him?  
5 A He was a catcher in my crew.  
6 Q He is requesting a floating holiday, is  
7 that your signature?  
8 A Yes.  
9 Q The box isn't checked; did you approve  
10 that?  
11 A Yes, I approved it, yes.  
12 Q Thomas Majors, do you know Mr. Majors?  
13 A Yes.  
14 Q How do you know him?  
15 A He was a catcher in my crew.  
16 Q Okay, he's requesting vacation but he  
17 only wants money?  
18 A Yes.  
19 Q And did you approve that?  
20 A Yes.  
21 Q That's your signature? Mr. Majors  
22 again requesting more money for an anniversary date  
23 and a calendar day, I guess; is that your signature?  
24 A Yes.  
25 Q And did you approve this or disapprove

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 53

A00743

Walters - Brewer

1 it?  
2 A I approved it.  
3 Q Mr. Majors again, he wants money only  
4 for it looks like the date of January 12th; is that  
5 your signature?  
6 A Yes.  
7 Q And did you approve this?  
8 A Yes.  
9 Q Thomas Majors again, he's requesting  
10 full days for one week, is that your signature?  
11 A Yes.  
12 Q And did you approve this or disapprove?  
13 A I approved it.  
14 Q Thank you. Daniel Miller, do you know  
15 Mr. Miller?  
16 A Yes.  
17 Q How do you know him?  
18 A He was a catcher in my crew.  
19 Q And he's requesting a day's pay of  
20 money only?  
21 A Yes.  
22 Q And is that your signature?  
23 A Yes.  
24 Q I see you approved that, is that  
25 correct?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford,

A00744

Walters - Brewer

1 A Yes.

2 Q Okay. And Mr. Miller again, this looks

3 like the same copy of the one we just looked at. Go

4 to Mr. Miller again, he's requesting a day's pay, an

5 additional day's pay, for money only, is that right?

6 A Yes.

7 Q Is that your signature approving this?

8 A Yes.

9 Q Mr. Miller again, is that your

10 signature?

11 A No.

12 Q He wanted money only, did you approve

13 or disapprove?

14 A I didn't approve.

15 Q You didn't approve?

16 A No.

17 Q It says approved, but that's not your

18 signature?

19 A It's not my signature.

20 Q So you knew nothing about this, all

21 right. How about Sylvester Mitchell, is it?

22 A Yes.

23 Q Do you know Mr. Mitchell?

24 A Yes.

25 Q How do you know him?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, CT

A00745

Walters - Brewer

1 A He was a catcher in my crew.  
2 Q And he wants five weeks, money only?  
3 A Yes.  
4 Q Is that your signature?  
5 A Yes.  
6 Q You approved that?  
7 A Yes.  
8 Q All right. The next page, and this is  
9 where they may become a little detached, I don't  
10 know -- well, let's see what he has. Should be a  
11 Mr. Gregory Williams.  
12 A Yes.  
13 Q Do you know Mr. Williams?  
14 A Yes.  
15 Q And how do you know him?  
16 A He was a catcher in my crew.  
17 Q And he wants money only for a day?  
18 A Yes.  
19 Q And is that your signature approving  
20 this?  
21 A Yes.  
22 Q William Young is the next one; do you  
23 know Mr. Young?  
24 A Yes.  
25 Q How do you know him?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 3

A00746

Walters - Brewer

1 A He was a catcher in my crew.

2 Q And he wants a week's worth of pay but  
3 doesn't want the time off, am I correct in that?

4 A Yes.

5 Q And is that your signature approving  
6 this?

7 A Yes.

8 Q I have Mr. Isaiah Daniels, we mentioned  
9 earlier?

10 A Yes.

11 Q He's a member of your crew, I believe?

12 A Yes.

13 Q He is asking for vacation from the 27th  
14 of August, '04, through September 1, '04.

15 A Yes.

16 Q Is that your signature approving his  
17 vacation?

18 A Yes.

19 Q The next one, the copy is a little  
20 light, but it appears to be a Jasper Smith, do you  
21 know Mr. Smith?

22 A Yes.

23 Q How do you know him?

24 A He was a catcher in my crew.

25 Q And he's requesting an extended period

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington RPR  
P.O. Box 99 Milford,

A00747



Walters - Brewer

1 of time -- well, he's requesting I guess July 20th,  
2 '04; can you make out the signature on the bottom of  
3 that? The copying is faint, I understand that.

4 A I'm going to say yes, because of the  
5 date.

6 Q Did you approve this?

7 A Yes.

8 Q Leon Tucker, I believe we mentioned him  
9 before, he's a member of your crew, isn't he?

10 A Yes.

11 Q And he wants a floating holiday off; is  
12 that your signature approving his request?

13 A Yes.

14 Q And last, we have an Arthur Fosque, and  
15 I think we mentioned his name before also?

16 A Yes.

17 Q He's a member of your crew, I believe,  
18 right?

19 A Yes.

20 Q And he's also requesting a day off; is  
21 that your signature approving it?

22 A Yes, it is.

23 Q Okay, thanks. All right, now, let me  
24 ask you this, Mr. Walters: If an employee wants to  
25 take a day off, one of your catchers, without pay,

FIRST STATE REPORTING SERVICE

(302) 424-4541

Pamela C. Washir

P.O. Box 99

Milfor

63

A00748

Walters - Brewer

1 A Yes.  
2 Q -- you didn't do that by yourself?  
3 A No.  
4 Q What did you do?  
5 A I signed these papers.  
6 Q You signed the papers?  
7 A I approved his vacation, I approved his  
8 days off, but it all goes back to personnel whether he  
9 gets it or not.  
10 Q Oh, do you know anybody who you  
11 approved that they didn't get the time?  
12 A None that's came back to me, no.  
13 Q Okay, thank you. So you sign the  
14 approval and then it goes to the office?  
15 A Yes.  
16 Q That's the last you see of it?  
17 A Yes.  
18 Q And then if the guy doesn't show up, he  
19 gets his vacation?  
20 A I assume.  
21 Q Well, you don't write him up, do you?  
22 A No.  
23 Q Okay. And the reason you don't write  
24 him up is because you approved he could have time off?  
25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington  
P.O. Box 99 Milfo 963

A00749

Walters - Brewer

1 Q Right, okay. Tell me what happens, if  
2 you know, if somebody on your crew gets hurt; what is  
3 your responsibility there?

4 A If someone on my crew gets hurt,  
5 according to how bad it is, I send him in to plant to  
6 the nurse. If he has to go immediately, then I take  
7 him myself if possible, or I dial 911 and they go to  
8 the hospital or something, send him if it's a real bad  
9 case, for which I haven't had one.

10 Q Well, that's good. But that's what  
11 would happen if somebody on the crew gets hurt, you  
12 will either take a look at it and decide whether he's  
13 going to go to the plant nurse --

14 A Yes.

15 Q -- or whether you will call 911?

16 A Yes.

17 Q Or try to take him someplace yourself  
18 if you can?

19 A Yes.

20 Q Okay. Do you report that injury to  
21 anybody?

22 A Yes.

23 Q Who do you report it to?

24 A I report it to my supervisor.

25 Q Who is?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milfor 963

A00750

Walters - Brewer

1 A Doug Lynch.

2 Q Let's go back to that fellow who wanted  
3 a day off, says, "I need next Thursday off, I don't  
4 expect to get paid for it," and everything else, and  
5 you tell the fellah it's okay.

6 A Uh-huh.

7 MR. MARTIN: Yes?

8 THE WITNESS: Yes.

9 BY MR. BREWER:

10 Q You do have to try to remember that.  
11 Do you report that to anybody?

12 A No.

13 Q The forklift operator that is your son,  
14 Antonio?

15 A Yes.

16 Q Is he the only forklift operator you  
17 have had since you have been a crew leader?

18 A No.

19 Q Who was your forklift operator before  
20 him?

21 A Walt Brown. Walter Brown.

22 Q Oh, is that the Mr. Brown whose  
23 signature we saw back here earlier?

24 A Yes, yes.

25 Q So he was the forklift operator?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milfo: 963

A00751

Walters - Brewer

1 Q Just the training that you mentioned?

2 A Yes.

3 Q Did your son consider that to be a  
4 promotion?

5 A I couldn't relate to that one.

6 Q You couldn't relate to that? I know,  
7 because you didn't --

8 A No.

9 Q All right, all right. Let's take a  
10 look at this would be Number 2, I guess, to  
11 Mr. Walters' deposition.

12 (Walters Exhibit 2, marked for  
13 identification.)

14 BY MR. BREWER:

15 Q Mr. Walters, this has been marked as  
16 Exhibit 2 to your deposition, this is an employee  
17 warning notice --

18 A Uh-huh.

19 Q -- to a Mr. Leon Tucker.

20 A Yes.

21 Q And I believe we have identified him as  
22 being a member of your crew?

23 A Yes.

24 Q Do you recognize the writing on this  
25 page?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00752

Walters - Brewer

1 A Yes.  
2 Q Whose writing is it?  
3 A Mine.  
4 Q Okay. Company policy, this is your  
5 writing, it says "Call if not working"?  
6 A Yes.  
7 Q And we had just discussed something  
8 like this; he did not call and didn't show up for  
9 work, I see, is that correct?  
10 A That's correct.  
11 Q And you gave him three days off as a  
12 final warning?  
13 A Yes.  
14 Q That's your signature?  
15 A Yes.  
16 Q Okay. Mr. Richard Satchell, I believe  
17 he's also one of the gentlemen we mentioned as being  
18 on your crew --  
19 A Yes.  
20 Q -- as a catcher?  
21 A Yes.  
22 Q And again, the company policy, it says,  
23 "Call if not working. No time to find someone; call  
24 late after 10 p.m." and the violation was he called in  
25 too late?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00753

Walters - Brewer

1 A Yes.

2 Q And you gave him one day off?

3 A Yes.

4 Q And is that your signature?

5 A Yes.

6 Q Mr. Leon Tucker, I think we have  
7 already identified him as being a member of your crew?

8 A Yes.

9 Q Again, the writing on this document is  
10 yours?

11 A Yes.

12 Q And this is his third violation?

13 A Yes.

14 Q And is that your signature?

15 A Yes.

16 Q Again, on company policy it says, "Call  
17 supervisor if not working," that is your writing?

18 A Yes.

19 Q That means he should have called you?

20 A Yes.

21 Q The next one is an Edward Massey, I  
22 don't know that we have mentioned his name; do you  
23 know him?

24 A Yes.

25 Q How do you know him?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00754

Walters - Brewer

1 A He was a catcher on my crew.

2 Q Okay. And again it says, "Call  
3 supervisor if not working," is that your writing?

4 A Yes.

5 Q And the supervisor you're referring to  
6 is you?

7 A Yes.

8 Q This is his second violation?

9 A Yes.

10 Q That's your signature?

11 A Yes.

12 Q And the date?

13 A Yes.

14 Q Okay. Mr. Tucker, we have already  
15 identified him and, again, the company policy violated  
16 is "Notify supervisor if not working," that's you,  
17 you're referring to?

18 A Yes.

19 Q And the violation, it says, "Did not  
20 notify supervisor that he was not working," and,  
21 again, the supervisor is you?

22 A Yes.

23 Q And he's given a day off --

24 A Yes.

25 Q -- by you?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, D. C. 20662

A00755



Walters - Brewer

1 A Yes.

2 Q He signed this and you signed it?

3 A Yes.

4 Q Okay. And the last one is a Bernie  
5 Johnson?

6 A Yes.

7 Q His name is not familiar to me; do you  
8 know him?

9 A Yes.

10 Q How do you know him?

11 A He was a catcher in my crew.

12 Q Okay. And the company policy, it says,  
13 "Notify supervisor if not working." That is you that  
14 he should have notified?

15 A Yes.

16 Q And the violation is, "Said he was  
17 driving to farm but did not show." Okay, and he's  
18 given an oral warning?

19 A Yes.

20 Q And then it says, "None taking at this  
21 time," is that your writing?

22 A Yes.

23 Q And that's your signature on the  
24 bottom?

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford,

A00756

Walters - Brewer

1 Q And you can take however much -- I mean  
2 whatever time it takes to get them done, you can do,  
3 correct, you can take --

4 A Once the orders are given, then the  
5 company expect the chickens to be caught.

6 Q That's correct, that's right.

7 A So, time ...

8 Q When you receive the work, the farms  
9 that you're supposed to go to --

10 A Yes.

11 Q -- all right, you're supposed to get  
12 that done --

13 A Yes.

14 Q -- that day?

15 A Yes.

16 Q Okay. And if during the course of the  
17 week that requires overtime to be worked by the  
18 crew --

19 A Yes.

20 Q -- that's okay?

21 A Yes.

22 Q Okay. And you can authorize that  
23 yourself, can you not?

24 A I don't understand authorize.

25 Q All right. You just go through your

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington RDP  
P.O. Box 99 Milford,

A00757

Walters - Brewer

1 A No, I don't.

2 Q Okay. If you did this, if you did what  
3 you were supposed to do, what the contract says to do,  
4 who would you have taken it up with?

5 A Doug Lynch.

6 Q Well, he's not foreman in charge of a  
7 crew, is he?

8 A No, you take it up with the foreman of  
9 the live haul; live haul foreman, not the crew leader.

10 Q Okay, that's what you think this says?

11 A Yes.

12 Q Okay, that's fine. But you never did  
13 that either, you just went right to the Union reps?

14 A Yeah, I let him contact the company.

15 Q Okay. Let me show you what will be  
16 marked as Exhibit 3, I guess.

17 (Walters Exhibit 3, marked for  
18 identification.)

19 BY MR. BREWER:

20 Q This document is a series of pages, and  
21 they're all basically a receipt from petty cash, the  
22 title of the document says Received of Petty Cash.  
23 Take a look at the first one, I see it's a Mr. Thomas  
24 Major.

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 63

A00758

Walters - Brewer

1 Q Is that the same Mr. Major who is a  
2 catcher for you?

3 A Yes.

4 Q Okay. And he's requesting that he be  
5 given \$200?

6 A Yes.

7 Q Is that your signature where it says  
8 approved by?

9 A Yes.

10 Q So you approved that he could get \$200  
11 from petty cash?

12 A Yes, yes.

13 Q How does Mr. Major get the money?  
14 What's the process that's followed?

15 A Well, when there was a petty cash, this  
16 slip here was taken to the petty cash I'm going to say  
17 clerk, and she had the money. He signed the slip, he  
18 received the money.

19 Q Did you ever get the money from petty  
20 cash and give it to any members on your crew?

21 A No.

22 Q You never did that?

23 A No.

24 Q Okay. By the way, when your people get  
25 paid, when do they get paid?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milfor 963

A00759

Walters - Brewer

1 A Fridays.

2 Q Fridays? Who gives them their

3 paychecks?

4 A They're passed out the through the

5 scale room.

6 Q Okay. Do you pass out a paycheck at

7 all?

8 A Yes, yes.

9 Q Okay. And how often do you pass them

10 out?

11 A Accordingly to when they are received.

12 Sometimes they're Friday morning and I'll pick the

13 checks up before I pick the help up so that they can

14 have a time before they go to work in order to cash

15 them.

16 Q All right. Other times, it's given out

17 at the scale house?

18 A Generally.

19 Q Okay, thank you. So let's talk about

20 this Mr. Major. He obviously has to come to you

21 because you're approving it; so Mr. Major would have

22 come to you and asked for you to approve a request for

23 him to get \$200 from petty cash?

24 A Yes.

25 Q Would he have had this document, this

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washir  
P.O. Box 99 Milford 63

A00760

Walters - Brewer

1 receipt, with him?  
2 A No.  
3 Q No? Who had this receipt?  
4 A We had -- we had books of petty cash  
5 slips.  
6 Q So you as a crew leader had a book --  
7 A Yes.  
8 Q -- of receipts like this?  
9 A Yes.  
10 Q So when he would have come to ask you  
11 for this, is this writing all yours or is some of it  
12 his?  
13 A The social security number, date, name,  
14 my signature, and the \$200.  
15 Q Okay, that's your writing?  
16 A Yes.  
17 Q So he would have come to you,  
18 requesting \$200 from petty cash; you would have had  
19 the receipt, you would have filled it out and you  
20 would have approved it?  
21 A Yes.  
22 Q Then would you have given the receipt  
23 to him?  
24 A Yes.  
25 Q And then he's the one who took it to

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milfo '963

A00761

Walters - Brewer

1 wherever?

2 A Yes.

3 Q And do you know where wherever is, is  
4 that accounting or --

5 A I don't know the lady's name that was  
6 in the petty cash.

7 Q That's all right, that's fine. Let's  
8 take a look at the next one, this is a Mr. Daniel  
9 Miller, do you know Mr. Miller?

10 A Yes.

11 Q How do you know him?

12 A He was a catcher in my crew.

13 Q And again, he's requesting \$11?

14 A Yes.

15 Q Seems to be a rather small amount but,  
16 nonetheless, would the same process have been  
17 followed; he would have come to you, asked you for  
18 \$11?

19 A Yes.

20 Q You would have approved it, that is  
21 your signature?

22 A Yes.

23 Q And he would have then gone to the  
24 petty cash and received his money?

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541

Pamela C. Washi:

P.O. Box 99

Milford

63

A00762

Walters - Brewer

1 Q Take a look at the next one,  
2 Mr. Harvey, William Harvey, do you know Mr. Harvey?

3 A Yes. Okay, yes.

4 Q How do you know him?

5 A He was a catcher in my crew.

6 Q And this is occurring on the same day  
7 as Mr. Miller?

8 A Yes.

9 Q And they both make a notation of short  
10 hand pay, what does that mean?

11 A They worked short handed, they worked  
12 with six men instead of seven.

13 Q Okay. And they're requesting  
14 additional pay because they did that?

15 A It's not exactly additional pay. It's  
16 pay that is calculated for the amount of chickens that  
17 was caught short handed.

18 Q Okay. Who did those calculations?

19 A I did.

20 Q And would you have notified Mr. Miller  
21 and Mr. Harvey, for example, that they're entitled to  
22 this \$11?

23 A Yes.

24 Q Okay. And so they wouldn't have come  
25 then to you to ask for the \$11; you would have known

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington RPR  
P.O. Box 99 Milford,

A00763



Walters - Brewer

1 that they were entitled to this, done the arithmetic  
2 to figure out how much, and filled this out and  
3 approved it, gave it to them so they could get their  
4 \$11?

5 A Yes.

6 Q Okay.

7 A Under company policy.

8 Q Sure. Isaiah Daniels, this is the same  
9 day, and this is short handed pay, so what we just  
10 described for the other two gentlemen applies here?

11 A Yes.

12 Q And Mr. Satchell, the same thing, short  
13 handed pay on the same day?

14 A Yes.

15 Q Norman Manuel?

16 A Yes.

17 Q Do you know him, is he a member of your  
18 crew?

19 A Yes.

20 Q And this is the same situation, short  
21 handed pay?

22 A Yes.

23 Q And is it Coolridge Frazier?

24 A Coolidge.

25 Q Coolidge Frazier?

FIRST STATE REPORTING SERVICE (302) 424-4541

Pamela C. Washi  
P.O. Box 99 Milfor

163

A00764

Walters - Brewer

1 A Yes.

2 Q And it's short handed pay on the same

3 day?

4 A Yes.

5 Q So these people caught short, you did

6 the arithmetic, did the slip, they went and got their

7 money?

8 A Yes.

9 Q Let me just go off the record for a

10 minute to make a copy of something so everybody has

11 it.

12 (Whereupon, there was a discussion held

13 off the record.)

14 (Whereupon, a luncheon recess was

15 taken.)

16 MR. BREWER: This would be Number 4.

17 (Walters Exhibit 4, marked for

18 identification.)

19 BY MR. BREWER:

20 Q Mr. Walters, I'm showing you what's

21 been marked as Exhibit Number 4 to your deposition,

22 this is again a petty cash receipt.

23 A Yes.

24 Q Is that your signature on the bottom?

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washing  
P.O. Box 99 Milford, }

A00765

Walters - Brewer

1 these documents --

2 A Yes.

3 Q -- that you have kept to your attorney  
4 so that he can in turn produce them to us.

5 A Yes.

6 Q Okay. At any rate, for the week we  
7 have in October, you started keeping these in January  
8 of '05 -- I mean '04, I'm sorry?

9 A Let's consider February.

10 Q Let's consider February?

11 A Yes.

12 Q Would that have been the time that you  
13 had a meeting with Mr. Martin and others?

14 A No.

15 Q It's before that meeting?

16 A Yes.

17 Q Okay. Why did you start keeping --

18 A Because of a comment that was made to  
19 me when I came back to work.

20 Q Comment that was made to you by whom?

21 A By Doug Lynch.

22 Q And what did Mr. Lynch say to you?

23 A Mr. Lynch informed me of the situation  
24 with Mr. Davis, and wanted to know if I was going to  
25 go along with him on his suit.

FIRST STATE REPORTING SERVICE (302) 424-4541

Pamela C. Washington

P.O. Box 99

Milford

63

A00766

Walters - Brewer

1 make sure that you can carry the chickens that you  
2 supposed to carry on the trucks that you have to  
3 receive.

4 Q Right, okay. I just have one more  
5 question about these documents. I have seen similar  
6 documents from some of the other people who are part  
7 of this lawsuit whose deposition I have taken --

8 A Uh-huh.

9 Q -- and their explanation for why the  
10 first man pick up and the last man dropped off is  
11 different from your's; you're sure that you did this  
12 on your own?

13 A Yes.

14 Q Okay. You didn't discuss it with  
15 anybody else?

16 A No.

17 Q None of the other crew leaders?

18 A No.

19 Q Okay, that's fine. Do you have a  
20 general idea how much catchers make in the course of a  
21 year, total amount of money, compensation?

22 A No, I don't, sir.

23 Q Do you know how they're paid?

24 A Say that again please.

25 Q Do you know how they're paid?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, 19963

A00767

Walters - Brewer

1 A Paid by Mountaire.

2 Q No, how are they paid? Are they paid  
3 per chicken, per thousand?

4 A They're paid per thousand.

5 Q Per thousand?

6 A Per thousand.

7 Q And these people who work for you, you  
8 have no idea really how much money they make at all?

9 A No.

10 Q Okay. These time sheets that we just  
11 went through, Exhibit 5, and the numbers that you had  
12 on there, this is how the catchers in fact get paid,  
13 don't they?

14 A Yes.

15 Q So you turn this in and that's how they  
16 are paid?

17 A No, it's a time sheet that's filled out  
18 for each day.

19 Q Well, that's what I'm talking about.  
20 For example, on the first one you gave us bearing the  
21 date of October 5 --

22 A Okay.

23 Q -- you have all the numbers, and the  
24 numbers of the people who are on your crew, correct?

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington  
P.O. Box 99 Milford,

A00768

Walters - Brewer

1 Q So that's how the company knows how to  
2 pay that crew, your crew, for catching this number of  
3 birds this day?

4 A That's correct, sir, yes.

5 Q And they use this information that you  
6 give to them --

7 A From the time sheet, yes.

8 Q -- to figure out how the catchers get  
9 paid?

10 A Yes.

11 Q Right, okay.

12 MR. BREWER: Lets go off the record a  
13 minute.

14 (Whereupon, there was a discussion held  
15 off the record.)

16 (Walters Exhibit 6, marked for  
17 identification.)

18 BY MR. BREWER:

19 Q Mr. Walters, please take a look at what  
20 I had marked as Exhibit 6 to your deposition; do you  
21 recognize this document?

22 A Yes.

23 Q Okay. Go to the fifth page, and this  
24 document is a performance evaluation self assessment,  
25 is this your writing on this document?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, - -

A00769

Walters - Brewer

1 A Yes, it is.

2 Q Okay. Let's go to page 2 of the self  
3 assessment, and the first area was Commitment To  
4 Quality, it says, "I have always been committed to  
5 doing the best that Roy can do."

6 A Yes.

7 Q All right. The second category, "Have  
8 been able to communicate with customers to get the job  
9 done." Which customers are you referring to?

10 A The farmers.

11 Q The farmers. So when we talked about  
12 your interaction with the farmers, in addition to what  
13 you told me before, what else would you be  
14 communicating with the farmer?

15 A According to the situations of where we  
16 are, we sometimes has change of farm, change of  
17 houses; we might be marked down to get house 1, the  
18 farmer will come to me and say, "Well, Roy, we ran out  
19 of feed in house 2, we'd like you to catch house 2  
20 first," he done already called in the plant to notify  
21 the plant for us to catch house 2, something like  
22 that.

23 I have had farmers say that they had a  
24 bad wet spot in the house, and to be on the lookout  
25 for it, so I have communicated with him in order to

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00770

Walters - Brewer

1 get the job done.

2 Q All right. So when the farmer tells  
3 you he's got a bad wet spot in the house, you thank  
4 him for that, and instruct the crew how to go about  
5 doing it so they can catch the chickens and stay out  
6 of the wet spot as much as they can?

7 A That's correct, yes.

8 Q Okay, that's the kind of communication  
9 you're talking about?

10 A Yes.

11 Q It says Planning, if I'm reading this,  
12 it says, "Have been able to identify problems and  
13 establish goals and priorities to accomplish results."  
14 am I reading that correctly?

15 A Yes.

16 Q Tell me what you mean by that.

17 A Just as it states.

18 Q What problems did you identify, let me  
19 ask it that way?

20 A Wet houses, bad loading areas.

21 Q Okay, what else?

22 A Sick chickens.

23 Q Sick chickens?

24 A Yes.

25 Q How do you know when they're sick?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 963

A00771



Walters - Brewer

1 A Generally you don't; the farmer knows,  
2 he will tell you, if you can contact him.

3 Q Okay. So what other problems would you  
4 identify when you wrote this?

5 A Just general problems that happens  
6 within the process of getting chickens.

7 Q So whatever those problems were, then  
8 it says here you establish goals and priorities to  
9 accomplish results; what did you do to get around the  
10 problems that you identified?

11 A Just faced them forward. Whatever the  
12 problem was, you have to face them in order to get  
13 around them. Same way with being in a wet house; if  
14 you start the house and you got half way the house and  
15 it's wet, then you make the changes in order to get  
16 around it.

17 Q Okay. So in other words, then, if I'm  
18 using what you're telling me, you identify whatever  
19 problems they were?

20 A Yes.

21 Q Some of which you identified, and I'm  
22 sure there were some others, and whatever those  
23 problems that you identified, you established goals  
24 and priorities to get around to solve those problems?

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, - -

A00772

Walters - Brewer

1 Q As the crew leader, that's what your  
2 job was?

3 A Yes.

4 Q Okay. Next one it talks about  
5 initiative, and it says here, "My crew and I have made  
6 some changes as we have to learn from our failures."  
7 Okay, what do you mean by that, what was this  
8 referring to?

9 A Attitudes.

10 Q Attitudes?

11 A Yes.

12 Q I'm not sure what that means.

13 A Each man has an attitude, and each man  
14 has to control his attitude in order to do the job.  
15 And if two attitudes don't match, then you got a  
16 confrontation.

17 Q Okay. So I don't mean to put words in  
18 your mouth, were you having some morale problems on  
19 your crew?

20 A No, I don't.

21 Q But you had people who had different  
22 attitudes?

23 A Yes.

24 Q And it was interfering with getting the  
25 job done?

FIRST STATE REPORTING SERVICE

(302) 424-4541

Pamela C. Washington, RPR

P.O. Box 99

Milford, Delaware 19966

A00773

Walters - Brewer

1 A Yes.

2 Q And you made changes, it says here?

3 A Yes.

4 Q What changes did you make?

5 A We sat down and discuss them.

6 Q Okay.

7 A When we in the van, we sit down and we  
8 talk about them.

9 Q Give me an idea what you'd be talking  
10 about.

11 A How to get the job done efficiently in  
12 order to keep a job with Mountaire.

13 Q Okay. But these were all related to  
14 attitudes? I mean I guess I don't want to testify for  
15 you, I'm trying to understand what you're trying to  
16 tell me here.

17 A Mostly. I'm going to say 80 percent.

18 Q Okay.

19 A 80 percent, that's 80 percent of  
20 dealing with it, you know.

21 Q 80 percent being the attitudes that you  
22 were talking about?

23 A Yes.

24 Q Okay.

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00774

Walters - Brewer

1 Q Okay. And were you working to get the  
2 attitudes corrected so you can get the job done?

3 A Yes.

4 Q Now I notice you rated yourself a 2  
5 here?

6 A I am no different than anyone else.  
7 Some people, you can talk to, to resolve situations,  
8 and there's some that you can't.

9 Q Okay. And why are you giving yourself  
10 a 2 as opposed to a higher number?

11 A I had a problem with that myself.

12 Q Okay, that explains it. The next one  
13 talks about, right here under Decision Making and  
14 Problem Solving, "Have recognized problems and made  
15 decisions to accomplish results." What did you mean  
16 when you wrote that?

17 A Mostly the same thing. The problems  
18 that we have to encounter in order to do a job. And  
19 the decisions that we have made together, not just my  
20 decision, but decisions that we have made as a crew,  
21 not totally my decision as a crew leader, in order to  
22 accomplish and get the results that we consider is  
23 needed.

24 Q You figure as a leader if you can bring  
25 them along to your way of thinking or listen to what

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00775

Walters - Brewer

1 they have to say, that that's a good way to do things?

2 A Up to a point.

3 Q Right. But I mean you're the final one  
4 who makes the decisions as the crew leader?

5 A I'm open for -- I'm open for  
6 discussion.

7 Q Sure.

8 A You know, so, no, I'm not going to say  
9 I make the final decision. There has been men in my  
10 crew that has made some good character references in  
11 order to do the job, and I have took his word and done  
12 it his way.

13 Q And if you think that, that's what I'm  
14 trying to get at, if somebody in your crew makes a  
15 suggestion as how to get things done better, okay, you  
16 can say, "Okay, we'll try that," is that what you're  
17 basically telling me that's occurred?

18 A Yes.

19 Q There's nothing wrong with that, okay.  
20 And that's what you mean that you have made the  
21 decisions to accomplish the results?

22 A Yes.

23 Q That you made the decisions, okay.  
24 Next area it says Business Success and Results, it  
25 says, "I consider I have done these things as a crew

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 19963

A00776

Walters - Brewer

1 leader." And under this, we have "Get things done.  
2 Handle emergency situations. Meets quality and safety  
3 standards. Operates within budget, improves margin."  
4 And your comment here is that you thought you had done  
5 these things.

6 Leadership and Influence is the next  
7 category, it says, "My crew --" and I can't make out  
8 the next word, and then it goes on, "understand what I  
9 as a crew leader wants and we together have tried to  
10 reach that goal." So basically, let me ask the  
11 question this way: When you said that, what did you  
12 mean?

13 A The same thing I just said.

14 Q So in other words, as the crew leader,  
15 your crew understands what you wanted, and that you  
16 worked together to try to reach that goal, you and the  
17 crew were working together to try to reach the goal  
18 because they understand what you want?

19 A Yes.

20 Q That's what you said, okay.

21 Communication, under this, there are four items that  
22 are listed, one says "Listens attentively to others  
23 and demonstrates understanding," and you basically say  
24 you consider that you have done that as a crew leader,  
25 am I right in that?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19967

A00777

Walters - Brewer

1 A Yes.

2 Q "Is accessible and approachable," and  
3 again you consider that you have done that as a crew  
4 leader?

5 A Yes.

6 Q "Encourages others to express their  
7 ideas and opinions," we just discussed that and,  
8 again, you are telling us here that you consider that  
9 you have done that?

10 A Yes.

11 Q And that you speak and write clearly  
12 and efficiently -- I'm sorry, and effectively and is  
13 constructive, and you think you have done that?

14 A Yes.

15 Q Team work, it says, "With some help  
16 from supervisor, there have been some conflicts that  
17 needed to be look at," what do you mean by that?

18 A The attitudes.

19 Q What we talked about before?

20 A Yes.

21 Q Okay. Next one is Safety and  
22 Environment, it says, "Safety has always been a number  
23 one priority," what do you mean by that?

24 A Safety. You have old chicken farms  
25 that has problems that has to be addressed before you

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington PDD  
P.O. Box 99 Milford 63

A00778

Walters - Drewer

1 catch the chickens or someone could get hurt.

2 Q Because you're responsible for the  
3 safety of your people?

4 A Yes.

5 Q And this is your number one priority?

6 A Yes.

7 Q And in fact, you give yourself a four  
8 here?

9 A Yes.

10 Q On that, okay. And in Development Plan  
11 on page 4 of your self evaluation, you write, "I  
12 wanted to have more team work with the mens in my  
13 crew." And Results Achieved, you say you have seen  
14 some 30 to 40 percent change toward this plan; is that  
15 a change to the better, I assume?

16 A Yes.

17 Q Okay. So that you were successful in  
18 getting those attitudes that you talked about  
19 resolved?

20 A Yes.

21 Q The next item that's under that, you  
22 write, "I want to focus on working the chickens for  
23 improvement of DOAs as each farm is not the same,"  
24 what do you mean by that?

25 A If you were to go back to grower's

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00779



Walters - Brewer

1 responsibility.

2 Q I'm sorry, growers, okay yes, okay,  
3 fine.

4 A Types of farms, catching methods,  
5 daytime catching, nighttime catching, tunnel  
6 ventilation, fans, fire fans, each farm is different  
7 as it states here. Some houses are 400 feet, some  
8 houses are 5-; some houses are narrow, some houses are  
9 walk-outs.

10 MR. MARTIN: Let the record reflect  
11 that Mr. Walters is referring to Joe Garrison Exhibit  
12 Number 2.

13 MR. BREWER: Okay, I understand that.

14 BY MR. BREWER:

15 Q And what did you mean when you wrote  
16 that you wanted to focus on working the chickens for  
17 improvement in DOAs as each farm is different, what  
18 did that mean, how did that relate to --

19 A That mean that when we go to a  
20 walk-out, the chickens have to be worked different,  
21 they have to be penned up with pens; where you have a  
22 tunnel house, a wide-span house, they don't have to  
23 be.

24 Q Okay.

25 A There is a difference in the night and

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milfo 963

A00780

Walters - Brewer

1 a difference in the day.

2 Q Sure, all right. And that's what you  
3 wanted to do here?

4 A Yes.

5 Q Okay. Looking ahead, the next item  
6 down here says you want to make sure the job gets done  
7 right, and that's your responsibility as a crew  
8 leader?

9 A Yes.

10 Q And again, it says, "Helping to hire  
11 good working mens that want to work," how were you  
12 going to do that?

13 A You lost me on that one.

14 Q It's the last one on the document.

15 A You want to know the truth?

16 Q Yes.

17 A I just wrote that in there to write  
18 something.

19 Q All right. That's what we want, is the  
20 truth. Okay, fine. Next, this is Exhibit Number 8 to  
21 Mr. Garrison's deposition, Mr. Walters; have you seen  
22 this document?

23 A No.

24 Q No, okay. You became a crew leader in  
25 2001 and this has got a 2000 date on it, so you have

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 3

A00781

Walters - Brewer

1 not catch chickens, no, not catch chickens.

2 Q Let me just get the question so we're  
3 all clear on this. You became a crew leader in 2001?

4 A Yes.

5 Q Since being a crew leader in 2001, have  
6 you caught chickens?

7 A No.

8 Q You have not. How about operating a  
9 forklift?

10 A Yes.

11 Q When you have operated the forklift,  
12 have you received additional money in addition to what  
13 you normally receive as a crew leader for doing that?

14 A We were paid by the thousand.

15 Q When you were paid by the thousand?

16 A Yes.

17 Q After you had been paid by -- that's  
18 after this memo, because you became salaried in June  
19 of '01?

20 A Yes.

21 Q Okay. So you're saying to me that  
22 while you were being paid by the thousand --

23 A Yes.

24 Q -- that when you operated the  
25 forklift --

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 963

A00782

Walters - Brewer

1 as I recall, let me just see if my dates are correct,  
2 you went into the hospital to have I believe it was a  
3 knee replaced?

4 A That's correct, yes.

5 Q And I believe you left the company to  
6 go in to have that procedure done on the 3rd of June  
7 of 2003, does that sound right?

8 A It should have been the 4th.

9 Q Okay, so the 4th of June. And that you  
10 returned to the company on July 18th of '03?

11 A Yes.

12 Q During the time you were out, you  
13 continued to receive your full salary, didn't you?

14 A Yes.

15 Q Okay. Since you were a Union member  
16 and a shop steward, if you were a forklift operator as  
17 you had been for many years and a shop steward, you  
18 would have got about 175 per week, wouldn't you have?

19 A I couldn't answer that one.

20 Q You don't know?

21 A No.

22 Q You say you're not familiar with the  
23 benefits the Union people have?

24 A No.

25 Q You then went out again on the 9th of

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford,

3

A00783

Walters - Brewer

1 Q You don't know the answer to that?

2 A No.

3 Q Well, is it no, you don't know the  
4 answer; or no, it's not better?

5 A No, I don't know that it's better.

6 Q You don't know that it's better?

7 A Yes.

8 Q Okay. How about life insurance, is  
9 your life insurance better --

10 A Yes.

11 Q -- than the catchers --

12 A Yes.

13 Q -- and the hourly people? How about  
14 your dependent life coverage, is that better?

15 A Yes.

16 Q And vision care, is that better?

17 A Yes.

18 Q Okay. And the catchers get paid every  
19 week, don't they?

20 A Yes.

21 Q And the forklift operators?

22 A Yes.

23 Q And the drivers?

24 A Yes.

25 Q You get paid every two weeks, don't

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 53

A00784

Walters - Brewer

1 you?

2 A Yes.

3 Q Okay. You also receive, do you not, an  
4 allowance for use of your van?

5 A Yes.

6 Q And how often do you get that  
7 allowance?

8 A Every week.

9 Q And that is over and above your salary  
10 as a crew leader, isn't it?

11 A It's not the same. I receive a salary  
12 check, I receive each week, expense check.

13 Q And how much is that check that you  
14 receive every week?

15 A It's up now to 250.

16 Q \$250 per week?

17 A Yes.

18 Q For every week?

19 A Yes.

20 Q Including weeks that you're on  
21 vacation?

22 A Yes.

23 Q Okay. When you became a salaried crew  
24 leader, you became eligible for bonuses, monthly and  
25 annual bonuses?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washing  
P.O. Box 99 Milford 3

A00785

Walters - Brewer

1 A Yes.

2 Q Okay. You weren't eligible for those  
3 bonuses when you were a forklift operator, were you?

4 A No,

5 Q And you didn't get any bonuses then,  
6 did you?

7 A No.

8 Q A document again introduced into  
9 Mr. Garrison's deposition as Exhibit 13 to his  
10 deposition. If we go to the top of the page for the  
11 year 2001, which is the year that you became a crew  
12 leader --

13 A Yes.

14 Q -- this document shows that you  
15 received \$319.54 for a December bonus, do you see  
16 that?

17 A Kind of, yeah.

18 Q Kind of?

19 A I need some specs here.

20 MR. MARTIN: Do you need some --

21 THE WITNESS: No, I'm pretty good here.

22 BY MR. BREWER:

23 Q Believe me, I know that feeling all too  
24 well. There was no bonus in January, but there was  
25 another \$393.71 in February? If you're having

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford,

Walters - Brewer

1 difficulty reading it --

2 A No, I can read it. Just recollecting.  
3 I can't remember receiving this.

4 Q Well, what the document shows, and  
5 maybe we can move it quickly, it shows that in the  
6 year 2001 when you became a crew chief, a crew leader,  
7 you received a total of \$1,690.45 in monthly bonuses,  
8 does that sound about right to you?

9 A I would have to look at my tax papers  
10 to see, sir.

11 Q Okay, that's fine. In 2002, it shows  
12 that you received \$3968.05, correct?

13 A That is what I'm seeing, yes.

14 Q And it also shows you being on a leave  
15 of absence from June of '02 through October of '02?

16 A Yes.

17 Q Let's go down to '03. I see this  
18 document shows that you received \$1,303.75 in bonuses  
19 for that year, does that sound about right to you?

20 A Yes.

21 Q Okay. Go down to the last block on the  
22 bottom of the document, please. It totals up your  
23 monthly bonuses for 2001 in which we have already seen  
24 were \$1,690.45, it also shows you getting an annual  
25 bonus of 4,284.56.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford,



Walters - Brewer

1 A Yes.

2 Q Does that sound right to you, sir?

3 A Yes.

4 Q The next year in 2002, you didn't  
5 receive an annual bonus?

6 A That's correct.

7 Q And you didn't get one in '03, either?

8 A Correct, yes.

9 Q Okay. But you will note here that the  
10 annual bonus for 2002 was not gotten by anybody?

11 A Yes.

12 Q Do you know how the annual bonus is  
13 computed or figured out?

14 A Not really, no.

15 Q Okay. If I suggest it is basically how  
16 well the company did that year, does that sound right  
17 to you?

18 A Yes.

19 Q Okay. No one got it that year. And in  
20 2003, you didn't get one and do you know why that was?

21 A No.

22 Q Okay, because there are only two people  
23 who did get one. And then of course mid-year through  
24 2004, it shows a bonus 175 which we have already seen,  
25 I believe. Okay.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington  
P.O. Box 99 Milford 63

Walters - Brewer

1 This, sir, is Exhibit Number 14 to  
2 Mr. Garrison's deposition that I'm showing you; have  
3 you seen this before?

4 A Yes.

5 Q Okay. And this is a management meeting  
6 and included crew leaders?

7 A Yes.

8 Q Did you go to that meeting, sir?

9 A Yes.

10 Q Okay. What was discussed then?

11 A I cannot remember.

12 Q Were there other crew leaders there?

13 A I'm considering yes.

14 MR. BREWER: Off the record.

15 (Whereupon, there was a discussion held  
16 off the record.)

17 BY MR. BREWER:

18 Q Mr. Walters, this is Exhibit 15 to  
19 Mr. Garrison's deposition that I'm showing you. The  
20 first page is a 2003 Christmas dinner invitation list;  
21 if you look under Mr. Lynch, is that your name --  
22 let's see, where are you here? Roy Walters, you're  
23 not listed. You didn't go to this one?

24 A No.

25 Q Why?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington  
P.O. Box 99 Milford 53

Walters - Brewer

1 A My name is not on there.  
2 Q How about 2001? Look at the last page.  
3 Sure, we know why you weren't there, right?  
4 A Yes.  
5 Q And why was that, just so the record is  
6 clear?  
7 A I was terminated.  
8 Q Right. '01, were you there?  
9 A Yes.  
10 Q Did you go to the Christmas dinner?  
11 A I only went to one; I can't remember  
12 whether it was '1 or '2.  
13 Q Okay. But the people who go to this  
14 Christmas dinner, these are all salaried people?  
15 A I make that assumption, yes.  
16 Q You didn't see any catchers there, did  
17 you --  
18 A No.  
19 Q -- people from your crew that got  
20 invited?  
21 A No.  
22 Q No forklift operators --  
23 A No.  
24 Q -- or live haul drivers?  
25 A No.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19963

A00790

Walters - Brewer

1 Q No, okay, all right.

2 MR. BREWER: This is a good place to  
3 break.

4 (Whereupon, a short recess was taken.)

5 BY MR. BREWER:

6 Q I just have a few more questions, I  
7 think, Mr. Walters, to try to get you out on time. By  
8 the way, I'm still just a little curious, in 2001 when  
9 you became a crew leader --

10 A Yes.

11 Q -- you mentioned to me, before you went  
12 on salary --

13 A Yes.

14 Q -- that period of time, you had  
15 operated the forklift and got paid for doing it?

16 A Yes.

17 Q Okay. Is it true, sir, that you might  
18 have operated the forklift but not put your name down  
19 on it but, instead, put your son's name down on it as  
20 being the forklift operator?

21 A Not at that time, no.

22 Q But the other forklift operator?

23 A Say that again.

24 Q All right, what I'm saying is that you  
25 operated the forklift but didn't put your name down as

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington. RPR  
P.O. Box 99 Milford,

Walters - Brewer

1 sheet broken down for each day of the week." Are the  
2 time sheets that are being referred to here the time  
3 sheets that you kept for the crew?

4 A Yes.

5 Q They were not time sheets that you were  
6 required to keep for your hours, were they?

7 A No.

8 Q Let's go to paragraph 26, which is on  
9 the next page. And it talks about in essence here a  
10 corporate policy or practice of making partial-day  
11 deductions from your salary. Since you have been on  
12 salary, have you ever had your pay docked for taking  
13 part of a day off?

14 A No.

15 Q Okay.

16 A Never took a day off.

17 Q Okay. When you were off, though, on  
18 disability, we had that information in there already.

19 A Yes.

20 Q So you have never needed to take a part  
21 of a day off, like today when you need to leave at  
22 3:15 to get your children?

23 A I haven't got paid yet, don't know  
24 whether I'm going to get docked or not.

25 Q So this is then from the time you

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 19963

Walters - Brewer

1 became a salaried crew leader until today, you have  
2 never taken part of a day off?

3 A No.

4 Q Well, if you're not docked for today,  
5 you wouldn't have been docked for a part of a day,  
6 were you?

7 A Yes.

8 Q No, the answer is no, you wouldn't have  
9 been docked part of the day?

10 A Okay, okay, if you say that one.

11 Q Well, I'm telling you when you get your  
12 paycheck on Friday, you can certainly communicate with  
13 Mr. Martin and let him know whether you have had part  
14 of the day taken off.

15 A Can't I call you?

16 Q No, no, you can't. Not now, anyway.  
17 Maybe later. Paragraph 27 talks about having your pay  
18 reduced because of the quantity of work performed; has  
19 your pay ever been docked, as far as you know, because  
20 the quantity of your work wasn't up to par?

21 A No.

22 Q Okay. You said you didn't take any  
23 time off, so the last part of this charging time off  
24 from normal working hours against vacation or sick  
25 time, that's not happened to you?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, - -

Walters - Brewer

1 A No.

2 Q Okay. I think we already covered the  
3 fact that -- when it comes to your van, I gather you  
4 operate a van?

5 A Yes.

6 Q Who bought the van?

7 A I did.

8 Q Okay, where did you buy it?

9 A Mountaire.

10 Q You bought it from Mountaire?

11 A Yes.

12 Q And when did you do that?

13 A The day that they promoted me to crew  
14 leader, they made available to me a company van to do  
15 the job.

16 Q That you could --

17 A That I could purchase.

18 Q That you could buy?

19 A That I could purchase.

20 Q Did you have to purchase that van?

21 A Yes.

22 Q You had to?

23 A I couldn't do the job without it.

24 Q Well, you could have bought a van  
25 someplace else, couldn't you?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford 53

A00794

Walters - Brewer

1 A Sure, but not as cheap as the one they  
2 sold me.

3 Q Okay, but you could have?

4 A Yes.

5 Q Sure, all right. And we have already  
6 talked about this \$250 check that you said you're  
7 receiving, that's for compensation for use of your  
8 vehicle?

9 A Yes.

10 Q Okay. The next item which will be  
11 Number 7, let me show you this.

12 (Walters Exhibit 7, marked for  
13 identification.)

14 BY MR. BREWER:

15 Q Have you seen this before, sir?

16 A Yes.

17 Q Okay. I know the copy didn't come  
18 through completely clear, but does that appear to be  
19 your signature on the page?

20 A Yes, it is.

21 Q Okay. Do you know why you received  
22 this?

23 A No.

24 Q You don't? Okay. Were your people  
25 consistently taking 30 minutes for lunch?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milfor 963



Walters - Brewer

1 A Yes.

2 Q I mean as a crew leader, you were  
3 making sure they took their half-hour for lunch,  
4 weren't you?

5 A No.

6 Q You weren't?

7 A No.

8 Q Okay. But this is reminding you that  
9 you must make sure --

10 A Yes.

11 Q -- that they take a half-hour unpaid  
12 lunch?

13 A Yes.

14 Q Okay. Go to paragraph 34 of the  
15 complaint, please. This paragraph says, "Furthermore,  
16 when defendant learned of plaintiffs' intentions to  
17 seek counsel, defendant immediately retaliated against  
18 plaintiffs, threatening plaintiffs with termination if  
19 they continued to pursue these issues with counsel."  
20 Were you threatened with termination if you continued  
21 to pursue this lawsuit?

22 A No.

23 Q Next paragraph it says, "Many of the  
24 plaintiffs are receiving/have received verbal  
25 harassment and/or issued final warnings before

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, 3

A00796

Walters - Brewer

1 termination in an attempt to threaten plaintiffs or  
2 intimidate them from filing this action." Have you  
3 been verbally harassed by anybody because of filing  
4 this lawsuit, sir?

5 A Was some comments made.

6 Q By whom?

7 A By Mr. Doug Lynch.

8 Q And what comments did Mr. Lynch make to  
9 you and where?

10 A In his office, he wanted to know if I  
11 was going to go along with Willie Davis within this  
12 issue.

13 Q Okay, when was that?

14 A Approximately February of 2004.

15 Q Was anybody else present?

16 A No.

17 Q And is that what Mr. Lynch said to you,  
18 he was asking if you were going to go along with it?

19 A Yes.

20 Q And what did you respond?

21 A I was just coming back from medical  
22 leave, I didn't know anything about it.

23 Q Is that what you told Mr. Lynch?

24 A Yes.

25 Q Okay. Anything else said during that

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milfor 963

A00797

Walters - Brewer

1 conversation?

2 A Not that I know of at the time, no.

3 Q Okay. Outside of this conversation  
4 with Mr. Lynch, were there any other conversations  
5 about this being harassed?

6 A No.

7 Q So no one else had a conversation with  
8 you about this?

9 A No.

10 Q Okay. Do you consider the conversation  
11 you had with Mr. Lynch for harassment?

12 A No.

13 Q Okay. Go to paragraph 36. This says,  
14 "Many of the plaintiffs have been cornered by various  
15 management personnel and questioned individually  
16 regarding their discussions with counsel and the  
17 nature of this action." Have you been cornered by  
18 anybody from management?

19 A No.

20 Q Outside of Mr. Lynch's question to you,  
21 have you been questioned by anybody from management  
22 about this lawsuit?

23 A No.

24 Q Okay. The next paragraph is 37, it  
25 talks about apparently a meeting between the

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington-  
P.O. Box 99 Milford, D

A00798

Walters - Brewer

1 plaintiffs and counsel, Mr. Martin on a Saturday  
2 morning, and that plaintiffs recognized vehicle or  
3 vehicles owned by the defendant upper management  
4 personnel circling the parking lot of a diner; do you  
5 know anything about that?

6 A Yes.

7 Q Okay, tell me what you know about that,  
8 what did you see?

9 A Just a vehicle from Mountaire.

10 Q Who was driving it?

11 A Could not recognize who was driving it.

12 Q And what did you see? What did this  
13 vehicle from Mountaire do?

14 A It circled the parking lot as we were  
15 standing out.

16 Q So it drove into the parking lot?

17 A Yes.

18 Q And then drove back out of the parking  
19 lot?

20 A Yes.

21 Q And was that it?

22 A Yes.

23 Q Okay, you couldn't see who was driving?

24 A No.

25 Q Okay. And the diner that is being

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington  
P.O. Box 99 Milford,

Walters - Martin

1 him?

2 A Let me see now, I don't want to lie.

3 Q Do you recall?

4 A No.

5 Q Do you recall who the identity was that  
6 that person related to you?

7 A No, I can't name position, position,  
8 position. The gentleman that is in charge of farm  
9 problems, that's the best of my recollection at the  
10 time. That's -- the gentleman related back to me was  
11 his position that he took care of things that go wrong  
12 as far as live haul was concerned.

13 Q All right. Now, you're not referring  
14 to Mr. Lynch?

15 A No.

16 Q And you're not referring to Mr. Owen?

17 A No.

18 Q Do you know whether this gentleman may  
19 have worked for either one of these gentlemen?

20 A Not that I can put a yes to.

21 Q Okay. All right. Now, let me direct  
22 your attention to Exhibit 7, if you could put that in  
23 front of you again, please. Please take a moment,  
24 however much time you need, to read through that.

25 A Uh-huh. Yes, I understand it.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware 19953

A00800

Walters - Brewer

1 then the person driving the car probably wasn't  
2 working either, was he?

3 MR. MARTIN: Objection.

4 THE WITNESS: I wouldn't know the  
5 answer to that.

6 BY MR. BREWER:

7 Q You wouldn't know the answer to that  
8 either?

9 A No.

10 Q Okay. Did you feel harassed by the  
11 fact that this guy drove through the parking lot and  
12 came out the other end?

13 A Not personally, no.

14 Q Okay. And you're sure it was a  
15 Mountaire car?

16 A Yes.

17 Q Let's go through the warning that you  
18 got. You're aware that the catchers filed a lawsuit  
19 against the company, are you not?

20 A Yes.

21 Q Okay. In fact, I met with you and a  
22 number of other crew leaders about that, didn't I?

23 A Yes.

24 Q Sure. And you know the reason that  
25 they had filed the lawsuit was that they were working

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford Delaware 19963

A00801